

March 9, 2011

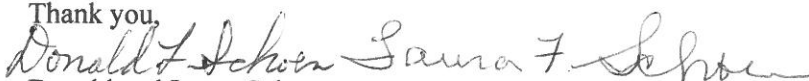
Mr. Pat Call
Board of Supervisors
1415 Melody Lane, Bldg. G
Bisbee, AZ 85603

Dear Mr. Call:

As a resident living on Turkey Track Road (Parcel # 104-21-002A), I would like to address the issue of the appeal for a Special Use Permit (Zoning Regulation 607.31: Cultural, Historic, and Nature Exhibits) to permit the public to view birds at Mary Jo Ballator's residence. Even though there is an appeal in place, this commercial venture is still going full force. Our objections to your issuing her the permit follow:

- 1) Turkey Track Road is a county-maintained road, and I do thank you that you have put some gravel down; however, it bothers me when I see a vehicle driving down Turkey Track Road at a high rate of speed, not aware that we residents know to go slowly to avoid hitting one of the deer, or turkeys, or other wildlife, . . . or pedestrians. The vehicles stir up dust that ultimately ends up in my lungs or my house.
- 2) Spring Road is definitely too narrow for motorhomes and tour buses. I will ask again, is the county planning to take over Spring Road? It is not a public road; it is just a 15-foot easement for the residents. I am aware that it does not meet county guidelines, but because of that, if you are going to deny the appeal and grant the permit, are you going to seek imminent domain and bring the road up to county standards?
- 3) We have vehicles coming into our property looking for the "bird-watching" place. This affects the maintenance of our driveway and will ultimately destroy some of our trees. There is an easement granted through our property to Steve Wilson, for ingress and egress only for him and his invited guests – never for the public. I dread thinking what would happen if the public decides they can use this private easement anytime they want to, and we find we have no recourse with the county.
- 4) Ms. Ballator has been working on a parking lot prematurely, but there is no way a tour bus or a motor home is going to be able to park there and turn around if there is another vehicle parked there.
- 5) Has anyone in your office looked into the issue that there are no public restrooms on Ms. Ballator's property? Has the health department been contacted in order to see what requirements are regarding this issue? She does use the restroom in her "Bed and Breakfast" if there are seminars (according to her advertisements), but what if someone is staying there? Has the health department been apprised of this fact? Is the septic tank adequate?
- 6) As I understand it, the Forest Service bans feeding wild animals including birds – for a very good reason. It is not good for the birds!
- 7) We were never given the opportunity to give our input regarding the permit issued for the Ash Canyon Bed and Breakfast. Why was a permit issued when you did not allow input from the surrounding property owners?
- 8) Adam Ambrose, with the County Attorney's Office, made a determination quoted in the March 11, 2009, Cochise County Planning and Zoning Commission Minutes: "Adam Ambrose, County Attorney's Office, stated that it is not the responsibility of the county to enforce a private agreement. However, if other residents object on the grounds of the covenant, then the policies are to be considered by the Commission."

Thank you,


Donald and Laura Schoen

cc: Keith Dennis and Mike Turisk

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